IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23556 of 2004

Between:

G. Phani Bhushan, S/o. G. Muralinath,
O/o. Community Health Centre Valmikipuram, Chittoor

District.

..... PETITIONER

AND

1 The District Medical and Health Officer, Chittoor, Chittoor

District.
2 District Coordinator of Hospital Services, District

Head Quarters of Hospital, Chittoor.
3 Commissioner, Vaidya Vidhana Parishad, Andhra Pradesh,

Hyderabad.
4 Director of Health, Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or Writ or direction preferably in the nature of Writ of Certiorari and after calling for records pertaining to the order dated 9 Dec 2004 in

O.A.No.6595/2004 of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad refusing to stay the impugned order of the 1st respondent passed in proceedings Rc.No.2600/EIC/2004 dated Nil November, 2004 posting the Petitioner as Family Welfare Community Health Centre, Pelamer, Chittoor District from the post of Junior Assistant Cum Typist, Community Health Centre, Valmikipuram, Chittor District is contrary to law.

Counsel for the Petitioner: DR.K.LAKSHMINARASIMHA

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following:

ORAL ORDER:- **(Per GB,J.)**

The Writ Petition is filed against the interim order dated 9.12.2004 passed by the Andhra Pradesh Administrative Tribunal in O.A.No.6595 of 2004.

2. The Tribunal passed the following interim order:

> "Issue notice before admission to the respondents returnable within 2 weeks.
>
> Meanwhile, the learned Government Pleader is directed to verify whether the original post from which the applicant was converted as Junior Assistant from the post of Family Planning Welfare worker is still vacant.
>
> Post this O.A. after 2 weeks."

3. The grievance of the petitioner is that the Tribunal ought to have maintained the *Status quo* instead of directing the learned counsel to verify whether the original post from which the applicant was converted as Junior Assistant from the post of Family

Planning Welfare worker is still vacant.

4. Since, the petitioner is not granted the relief and it is found that the post is still vacant, we find it appropriate to maintain the *status quo* till the disposal of the O.A.

5. Under those circumstances, without recording the findings on the merits of the case, we direct the Tribunal to dispose of the O.A. within a period of six weeks from the date of receipt of a copy of the order. Pending the disposal of O.A., *status quo* with regard to the position of the petitioner has to be maintained.

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G. BIKSHAPATHY, J.

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P.S. NARAYANA, J.

Date: 30.12.2004

Note:- Issue copy in two days.

B/o.

ES

To

1 The District Medical and Health Officer, Chittoor, Chittoor

District.
2 The District Coordinator of Hospital Services, District

Head Quarters of Hospital, Chittoor.
3 The Commissioner, Vaidya Vidhana Parishad, Andhra Pradesh, Hyderabad.
4 The Director of Health, Andhra Pradesh, Hyderabad.

5 2 CCs to G.P. for Medical Health and Family Welfare, High Court Buildings, Hyderabad.(OUT)

6 2 CD copies.